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DEPARTMENT FOR EUR/RPM, EUR/SCE; USUN FOR DREW SCHUFLETOWSKI

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SUBJECT: IF KOSOVO DECLARES INDEPENDENCE UNILATERALLY, WHAT HAPPENS TO THE OSCE FIELD MISSION?

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Classified By: Charge d'Affaires Kyle Scott, Reasons 1.4 (B AND D)

Summary:

**¶11.** (C) The likelihood that the OSCE will have to close its mission to Kosovo is increasing. In the event of a unilateral declaration of independence (UDI), Russia and Serbia have threatened to force closure of the OSCE Mission in Kosovo (OMiK), and they could easily do so. Under such circumstances, the OSCE would either have to close OMiK's doors without any replacement, or transfer the mission or key programs to some other international entity -- UNMIK, the European Union or a coalition of the willing. Because of political sensitivities, the OSCE Secretariat can plan only on a limited contingency basis, and has not fully explored any of these possibilities. With the Kosovo status negotiations deadline falling ten days after the November 29-30 Ministerial, USOSCE believes a concerted attempt should be made in Madrid to pressure Russia and Serbia to keep the mission open even in the event of UDI. Failing that, it might be prudent now to plan for a possible transfer of the OSCE's programs and functions in Kosovo to another international body. End Summary.

What OMiK does and why it matters . . .

**¶12.** (U) With nearly a thousand international and local employees, the OSCE Mission in Kosovo remains the largest of the organization's 18 field missions. With a current budget of 45 million dollars, it is also by far the organization's most expensive field mission, consuming nearly 20 percent of the OSCE's total budget. UNSCR 1244 has charged OMiK since its establishment in 1999 with taking "the lead role in matters relating to institution- and democracy-building and human rights and the rule of law." In addition to building good governance and a civil society, the mission oversees elections, monitors and promotes human rights, and provides early warning of ethnic tension, violence and instability.

**¶13.** (U) Over the past two years, in anticipation of a status settlement, the mission has established a presence in each of Kosovo's municipalities in order to promote decentralization efforts and to serve as the international community's eyes and ears in the field. The Ahtisaari status proposal, in fact, envisions utilizing the OSCE's extensive field presence to assist in the monitoring necessary for successful implementation of a settlement.

. . . and why a UDI threatens OMiK's future

¶ 14. (C) Russia and Serbia have both stated clearly that they would block renewal of OMiK's mandate in the event of a unilateral declaration of independence. They could do this as soon as the end of the calendar year, when OMiK's mandate is currently scheduled to expire. If Serbia or Russia move to block a consensus decision for extension, the mission would be forced to close. While Serbia has previously acknowledged the work that the mission does to monitor the welfare of the Serbian minority communities in Kosovo, Belgrade would view agreement to extend OMiK's mandate in the face of a UDI tantamount to acceptance of loss of sovereignty over the province. The Russians have told us privately that even if UDI does not occur before the end of the year, they will not allow a one-year extension of the mandate, but will rather agree only to a shorter (likely month-to-month) renewal until the results of the troika negotiations become clear. (Note: Spanish Ambassador Sanchez de Boado reportedly told a recent FCO delegation that the CiO believes it can get Serbia and Russia to agree to a three-to-six month extension prior to the Madrid ministerial. We should support the CiO's efforts in this direction, but have seen no signs that this plan would be accepted by Serbia or Russia.)

#### Options on Replacing OMiK

¶ 15. (C) There are a number of options for dealing with the loss of a mandate for OMiK. The easiest, but least satisfactory, would be simply to disband the mission and let go its nearly one-thousand staff members. The obvious downside of this option is that no other international organization is poised to assume the mission's capacity-building and monitoring responsibilities. Even now, the international community is dependent on OMiK to oversee

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the election process in Kosovo.

¶ 16. (C) The second option would be for UNMik to absorb OMiK's mandate and staff directly, which is what OSCE Secretary General de Brichambaut has advocated here in Vienna and in a recent visit to UN headquarters. Re-flagging the mission under UNMik and giving it a new name would presumably be facilitated by the fact that OMiK has operated since its inception under the UN's ultimate authority as Pillar III of UNMik. For this option to work, however, the UN would also have to be persuaded to absorb OMiK's 45 million dollar annual budget and take over its personnel, facilities and equipment. We believe that this would take considerable planning and organization and is a process that would take some time. The concrete details of such a proposal should be worked out in advance, because there could be as little as a few weeks to engineer such a handover. Our colleagues at USUN are better positioned to know the feasibility of such a proposal, although Secretariat officials here tell us there has been no follow-up from New York to de Brichambaut's earlier suggestions to this effect.

¶ 17. (C) If this option proves unsatisfactory, a third option could be to integrate OMiK's staff and duties into the EU's ESDP rule of law mission, or some other EU structure. We again defer to our USEU colleagues as to the likelihood of getting an EU mission up and running in a timely fashion. Without prior planning, it may be very difficult to effect a handover quickly enough to ensure continuity in OMiK's programs and personnel. Planning for this option would also need to be started very soon for there to be a reasonable chance for a successful outcome.

¶ 18. (C) If neither UNMik or an ESDP mission is able to take over OMiK's functions, a fourth option could be to transfer OMiK's staff and duties to an ad hoc coalition of the willing. This option could probably be done the most quickly

and effectively. Some type of legal entity would have to be set up to take over the functions, and the HQ operation in Pristina would have to take on all administrative and financial details currently managed by the OSCE centrally in Vienna. This option would also require planning and preparation very soon.

¶9. (C) If there is no plan in place for turning over OMiK to another body at the time of UDI, the mission's foreign personnel could be forced to depart quickly. 241 of OMiK's current staff, about a quarter of the mission's total, are international employees. Some of them are contracted to the OSCE, but the vast majority is seconded by the EU, EU aspirants, the U.S. and Canada. Most of these internationals would likely move on to new jobs outside of Kosovo quickly - taking with them valuable capacity-building experience and knowledge of Kosovo's unique circumstances and culture - unless they could be assured that the transition to a new international entity would be managed smoothly. Within a short time, there would be little left to hand over.

Comment:

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¶10. (C) The OSCE Secretariat is hamstrung by the fact that any contingency planning for UDI is very sensitive politically. Beyond suggesting option two (re-flagging OMiK under UNMiK), the OSCE Secretariat has not actually started to look at the feasibility of this proposal, nor has it started to develop a possible plan of action. The only planning to date has been in the realm of emergency evacuations in the event of violence in Kosovo. The Madrid Ministerial provides an opportune occasion for high-level discussion on the work of the Mission and the importance of continuing its work. Russia and Serbia need to be pressed to keep the mission open no matter what the outcome of the troika consultations on status. We doubt they will be prepared to make such a commitment before the results of the process are known, however, so it is vital that we begin prudent planning for a transfer of the OSCE's programs and functions in Kosovo to another international body. Mission would appreciate any possible guidance Department could offer in this regard. End Comment.

SCOTT